

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

v.

Criminal Case No. 13-20874

Erie Adams,

Sean F. Cox

United States District Court Judge

Defendant/Petitioner.

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**ORDER DENYING**  
**PETITIONER'S MOTION FOR DEFAULT JUDGMENT**

Currently pending before this Court is a Motion to Vacate filed by Petitioner Erie Adams, pursuant to 28 U.S.C. § 2255.

On June 12, 2018, Petitioner filed a motion seeking entry of a default judgment in his favor. (D.E. No. 139). The Government has not filed any response to the motion.

Nevertheless, a habeas corpus petitioner cannot obtain relief by virtue of the respondent's untimely response or failure to answer. *See, eg., Aziz v. Leferve*, 830 F.2d 184, 187 (11th Cir. 1987) (A default judgment is not contemplated in habeas corpus cases).; *Mahaday v. Cason*, 222 F.Supp.2d 918, 921 (E.D. Mich. 2002) (A default judgment is unavailable in a habeas corpus proceeding); *Allen v. Perini*, 424 F.2d 134, 138 (6th Cir. 1970). Accordingly, the Court **DENIES** Petitioner's Motion.

**IT IS SO ORDERED.**

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 19, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on

September 19, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy  
Case Manager